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JAN 16 1997

FEDERAL COMMUNICATIONS
COMMISSION
OFFICE OF SECRETARY

DOCKET FILE COPY ORIGINAL

January 16, 1997

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Amendment of Section 73.202(b)
Potts Camp and Saltillo, Mississippi

Dear Mr. Caton:

Transmitted herewith, on behalf of Olvie E. Sisk, licensee of Station WCNA(FM), Potts Camp, Mississippi, are an original and four copies of his "Petition for Rule Making" to reallocate Channel 240C3 from Potts Camp to Saltillo, Mississippi, and modify the license of WCNA(FM) to specify the new community.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,

FLETCHER, HEALD & HILDRETH, P.L.C.

Anne Goodwin Crump

Anne Goodwin Crump
Counsel for Olvie E. Sisk

Enclosures

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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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JAN 16 1997

In the Matter of)
)
Amendment of Section 73.202(b),) MM DOCKET NO. 97-____
Table of Allotments,) RM-____
FM Broadcast Stations)
Potts Camp and Saltillo, Mississippi)

Directed to: Chief, Allocations Branch

PETITION FOR RULE MAKING

Olvie E. Sisk, licensee of Station WCNA(FM), which operates on Channel 240C3 at Potts Camp, Mississippi, hereby respectfully requests that the license for WCNA(FM) be modified to specify operation on Channel 240C3 at Saltillo, Mississippi, in lieu of Potts Camp. With respect thereto, the following is submitted:

1. Sisk is proposing the reallocation of Channel 240C3 to Saltillo as that community's first local broadcast transmission service. This proposed allotment is in full compliance with the Commission's distance separation requirements. Saltillo is a growing and thriving community in need of local service. In contrast, Potts Camp, which would lose its local transmission service, is a community in decline. Indeed, it is highly questionable whether Potts Camp could be deemed a community for allotment purposes as it stands today. Moreover, Potts Camp will continue to receive service from WKRA(AM) and WKRA-FM, located in nearby Holly Springs, Mississippi.

2. The population of Saltillo has increased by 259 percent over the past 25 years. In

1970, Saltillo had a U.S. Census population of 836. By 1980, the population had increased to 1,271, an increase of 52 percent. The 1990 U.S. Census population had grown an additional 40 percent to 1,782. Since that time, the population has increased by an additional 68 percent. The estimated population of Saltillo at the end of 1995 was 3,000, and the community continues to add approximately 100 new residents per month.

3. As a result of this growth, Saltillo has a new high school in the community.

Additionally, according to the office of the mayor of Saltillo, the community has four medical doctors and approximately 100 businesses. Those businesses include supermarkets, drug stores, building supply stores, recreational facilities, car dealers, service stations, 7-11 stores, and fast food restaurants.

4. In sharp contrast, the population of Potts Camp has declined by approximately 18 percent since 1970. The community had a 1970 U.S. Census population of 549. By 1980, the population had grown by only 10 persons to 559. In 1990, the U.S. Census population had fallen to 483. The current estimated population of Potts Camp is only 450. The decline of Potts Camp is reflected in the lack of businesses and services located in the community. According to the mayor of Potts Camp, the town has no doctors based there but only one which visits once per week. Potts Camp has no dentists, no supermarkets, and no more than ten stores, all of which are old and run down. The entire police department consists of only one policeman, and the city hall is open only limited hours, from 9:00 a.m. to 1:00 p.m. In 1992, Potts Camp was bypassed by a four lane highway, and the few businesses remaining in Potts Camp then began to collapse.

5. Thus, Saltillo is a growing community with thriving businesses and is in need of its own local broadcast service. Potts Camp, on the other hand, is a declining community with

neither the need for nor the ability to support a local station. Indeed, since the time WCNA(FM) went on the air in October 1995, it has sold no advertising whatsoever to anyone in Potts Camp or the immediate area. The minuscule business activity there simply does not support any advertising.

6. Furthermore, Sisk would be able to provide service to a greater number of people with a Saltillo station than he can presently serve with the Potts Camp station. The counties in which Saltillo and Potts Camp are located also show a marked contrast in population and prosperity. Saltillo is located in Lee County, while Potts Camp is located in Marshall County. Lee County had an estimated population as of January 1, 1995 of 71,200, while the estimated population of Marshall County was less than half of that figure at only 31,800. Rand McNally Commercial Atlas and Marketing Guide at 72. Similarly, Lee County has 26,800 households, while Marshall County has only 10,600. Id. Moreover, the counties differ markedly in their abilities to support a radio station. The 1994 per capita income in Lee County was \$15,257, but the 1994 per capita income in Marshall County was only \$9,820. Id. Likewise, Marshall County has only 13 percent as much retail trade as Lee County has. The 1994 total retail trade in Marshall County was \$113,553,000, while the figure for Lee County was \$851,922,000. Id. Thus, because of the greater population in Lee County, the reallocation to Saltillo would represent a more efficient allotment of spectrum. Additionally, the greater prosperity of Lee County makes it more likely that the station will be able to survive economically.

7. As reflected in the attached Engineering Statement, the proposed reallocation to Saltillo is in compliance with the Commission's distance separation requirements as set forth in Section 73.207 of the Commission's Rules. Furthermore, from the reference site listed in the

Engineering Statement, the station could cover the entire community of Saltillo with the required city grade contour. The allotment of Channel 240C3 at Saltillo is mutually exclusive with the current allotment of the channel at Potts Camp, as the proposed reference co-ordinates for Saltillo are only 38.78 kilometers from the licensed site for WCNA(FM). The Commission's distance separation rules require a separation of at least 153 kilometers between co-channel Class C3 stations.

8. The Commission previously has reallocated channels from one community to another, even when the first community would lose its only local full-time service, in situations in which the first community had suffered a substantial decline in population and prosperity. Noalmark Broadcasting Corp., 50 R.R.2d 755 (1981). Further, the Commission has found that such a reallocation when the first community would lose its only local transmission service would nonetheless serve the public interest when a station located in the proposed new community could serve a greater number of people, and when no timely filed expression of continuing interest in maintaining the allotment at the old community had been received. Woodville and Liberty, Mississippi; Clayton and Jena, Louisiana, DA 96-542, released April 23, 1996. In this instance, as set forth above, a Saltillo station would be able to serve a greater number of persons. Furthermore, Sisk has personally experienced as the licensee of WCNA(FM) that the community of Potts Camp does not and cannot support its own radio station. Therefore, it can only be concluded that there is no interest in maintaining the allotment there.

9. In sum, the proposed reallocation of Channel 240C3 to Saltillo would result in a preferential arrangement of the FM Table of Allotments. The growing and thriving community of Saltillo would receive its first local broadcast transmission service. Furthermore, the station

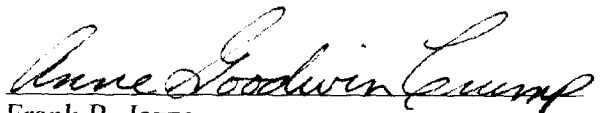
would be able to serve a greater number of persons, and it would be more likely to survive economically.

10. If the proposed reallocation of Channel 240C3 to Saltillo is made as requested, Sisk will promptly prepare and file an application for modification of his license to reflect the new community. Upon grant of the construction permit, Sisk will expeditiously construct and place into operation the new facilities of WCNA(FM).

WHEREFORE, the premises considered, Sisk respectfully requests that Channel 240C3 be reallocated from Potts Camp to Saltillo and that the license for WCNA(FM) be modified to specify operation at Saltillo.

Respectfully submitted,

OLVIE E. SISK

By: 
Frank R. Jazzo
Anne Goodwin Crump

His Attorneys

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street
Eleventh Floor
Rosslyn, Virginia 22209
(703) 812-0400

January 15, 1997

ENGINEERING STATEMENT
ON BEHALF OF
WCNA RADIO
POTTS CAMP, MISSISSIPPI

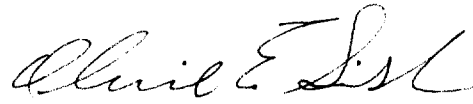
This engineering statement has been prepared on behalf of Olvie E. Sisk in support of the assignment of 240 C-3 from Potts Camp, Mississippi, to Saltillo, Mississippi. This channel can be reassigned from Potts Camp, Mississippi, to Saltillo, Mississippi, in full compliance with the minimum distance separation required between stations in Rule 73.207 with the deletion of Channel 240 C-3 in Potts Camp , Mississippi.

This assignment can be made to Saltillo utilizing the following coordinates 34-33-39 and 88-40-59. From these hypothetical coordinates, as can be seen from an examination of Exhibit 2, the required city grade contour of 70 dbu's can be delivered to the entire city of Saltillo, Mississippi. At the present time, there is no channel assigned to Saltillo.

ORIGINAL

Exhibit 1 is an allocation study which illustrates that this proposed allocation meets all the restraints placed upon it by 73.207.

Exhibit 2 is a computer generated map which depicts the location and the city of Saltillo. As can be determined from this map, the entire city would receive a 70 dbu signal in accord with 73.315.

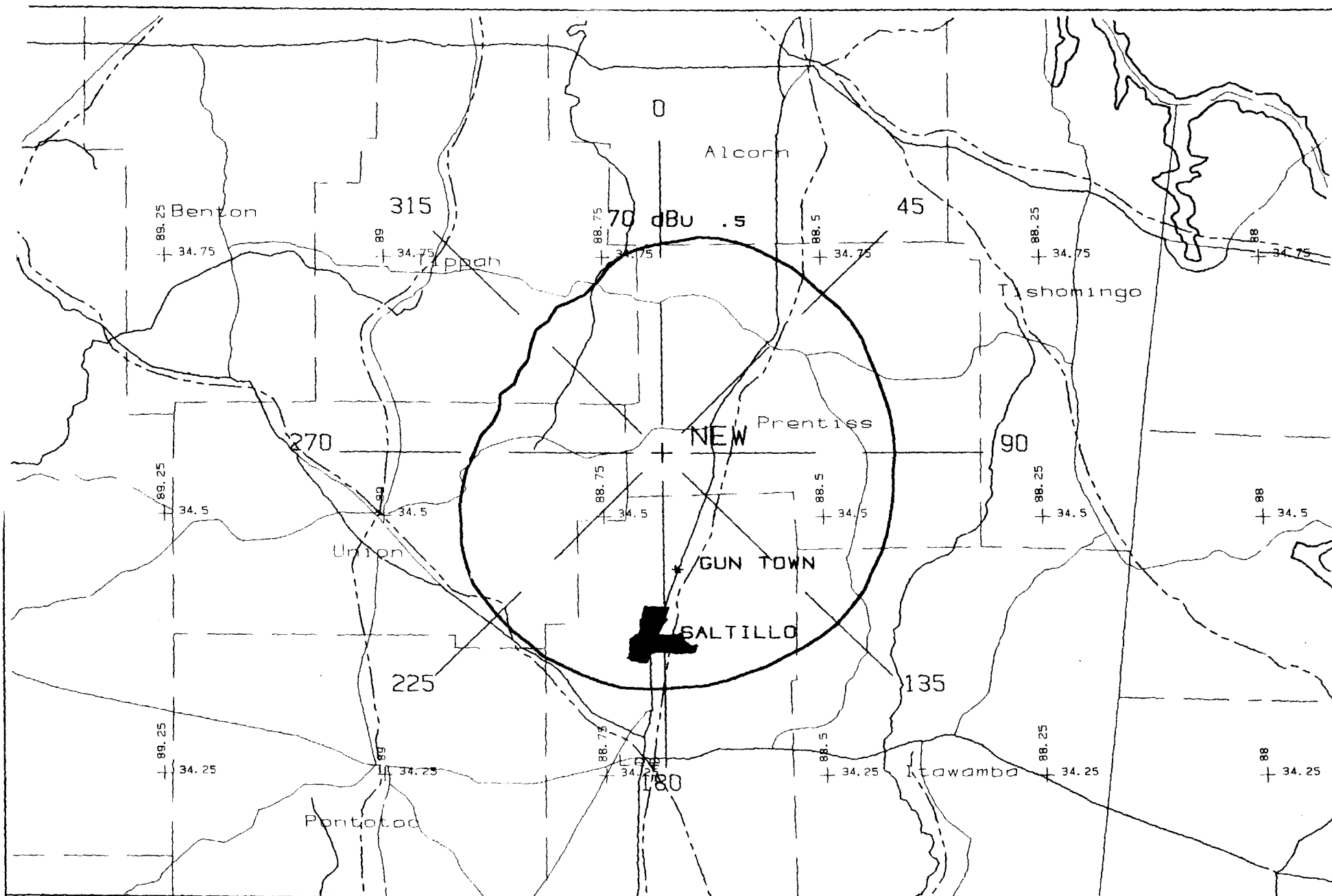
A handwritten signature in cursive script, reading "Olvie E. Sisk". The signature is written in dark ink and is positioned above a horizontal line.

Olvie E. Sisk
Sisk Engineering Inc.
September 24, 1996

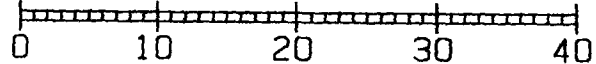
GENE SISK - SISK ENGINEERING
 HWY. 25 S. - RADIO BUILDING - FULTON MS 38843

REFERENCE		CLASS C3	DISPLAY DATES
34 33 39 N			DATA 09-03-96
88 40 59 W		Current rules spacings	SEARCH 11-11-96
----- CHANNEL 240 - 95.9 MHz -----			

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
WLZA	241C2	Eupora	MS	197.0	117.56	117.0	0.56 <
WXFL	241A	Florence	AL	82.0	89.61	89.0	0.61 <
WWZDFM	294C2	New Albany	MS	247.2	21.67	17.0	4.67
WADI	237A	Corinth	MS	30.4	47.37	42.0	5.37
WDXEFM	240A	Lawrenceburg	TN	58.5	147.60	142.0	5.60
WXFL.A	241C2	Florence	AL	74.1	122.68	117.0	5.68
ALOPEN	241C2	Florence	AL	74.1	122.68	117.0	5.68
WFKX	239A	Henderson	TN	358.7	103.97	89.0	14.97
WAFM	237A	Amory	MS	164.8	67.25	42.0	25.25
ALOPEN	240A	Camden	TN	17.6	174.17	142.0	32.17
WRXQ	239A	Olive Branch	MS	297.9	121.58	89.0	32.58
AP241	241C3	Tunica	MS	277.7	136.83	99.0	37.83
WOXD	238A	Oxford	MS	249.7	82.39	42.0	40.39
WOXD.A	238A	Oxford	MS	249.7	82.39	42.0	40.39



Scale in km



NEW 240 25kW

N. Lat. 34 33 39

W. Lng. 88 40 59

SISK ENGINEER 11/96

EXHIBIT 2